IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGEMENT NO.301 OF 2004
IN
SUMMARY SUIT NO.507 OF 2004

Saurashtra Cement Limited Plaintiff

versus

Ajit Singh Defendant

Ms.M.Sharma i/by A.V.Doijode, adv. for plaintiff

None for defendant.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 17th February 2005

PC :

1. Advocate for the plaintiff states that the summons for judgement has duly been served on the defendant inasmuch as the advocate appearing for defendant has acknowledged the receipt of this proceedings on 21st May 2004. She prays for time to file necessary affidavit. Time granted. Affidavit proving service to be filed within one week.

2. This summons for judgement is taken out in a summary suit based on a written contract,

invoices and delivery challans for delivery of cement. It is pointed out that insofar as first invoice is concerned, part payment has been made and thereafter cheques were handed over which have been dishonoured. Based upon this cause of action this suit has been instituted as summary suit. There is no reply to the notice which has been served. The notice, demanding sums under the invoices, prior to the institution of suit has also been duly received but there is no reply.

3. I am satisfied that that meets the requirement of Order 37, Rule 1 of Code of Civil procedure. There is no reply affidavit to the summons for judgement. Consequently the suit is liable to be decreed. Accordingly following order.

4. Decree as prayed. Original documents taken on record and marked "X" for identification. Advocate’s costs and court fee refund as per rules.

(S.C.DHARMADHIKARI, J.)